

PROB 12C
(7/93)

Report Date: November 2, 2012

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

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Name of Offender: Francisco Samaniego

Case Number: 2:09CR02068-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonna R. Suko, U.S. District Judge

Date of Original Sentence: 3/3/2010

Original Offense: Possession of a Firearm and Ammunition by a Prohibited Person, 18 U.S.C. § 922(g)(1)

Original Sentence: **Prison - 24 Months** **Type of Supervision:** **Supervised Release**
TSR - 36 Months

Asst. U.S. Attorney: James A. Goeke **Date Supervision Commenced:** 8/24/2012

Defense Attorney: Rick Lee Hoffman **Date Supervision Expires:** 11/23/2014

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

- 1** **Special Condition #17:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Samaniego failed to attend his scheduled drug and alcohol treatment group session at Merit Resource Services (Merit) on October 30, and 31, 2012.

On October 30, 2012, Mr. Samaniego called this officer to report he would not be able to attend group counseling this evening because he and his wife were not getting along, and he needed to find a place to live. Mr. Samaniego was advised he would not be excused from attending his group session. Shortly thereafter, Mr. Samaniego's wife called and advised that the defendant was at the emergency room in the hospital due to a toothache. This officer informed Mr. Samaniego's wife that this would not excuse him from attending his

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group session at Merit. She stated she would make sure the defendant would attend counseling. Mr. Samaniego failed to attend his scheduled drug and alcohol group treatment session at Merit on October 30, 2012.

On October 31, 2012, this officer received a voice mail message from Mr. Samaniego requesting he be excused from group counseling this evening so he could take his kids trick or treating. On this same date, this officer spoke with the defendant's drug and alcohol counselor from Merit, who reported she spoke with the defendant about missing group. She stated that Mr. Samaniego would not be excused from treatment to take his kids trick or treating. She stated that after Mr. Samaniego was denied being excused, he terminated the call by hanging up. This officer called the defendant and left him two voice messages, one at about 2:20 p.m. and a second at about 2:45 p.m. advising him he would not be excused from attending drug and alcohol treatment this evening. Mr. Samaniego failed to attend his scheduled drug and alcohol group treatment session at Merit on October 31, 2012.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/02/2012

s/Jose Zepeda

**Jose Zepeda
U.S. Probation Officer**

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

11/5/12

Date